THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19553 OF 2007

DATED: 08-10-2007

BETWEEN

Smt. Dheeravath Bhoolan,
W/o. Bheemla, R/o. Surapet,
Bhongir Mandal,
Nalgonda District and another.

...PETITIONERS

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad and
two others.

...RESPONDENTS

ORDER:

Learned counsel for the petitioners submits that originally one Bhojya, father of the first petitioner, was the protected tenant in respect of an extent of Ac.12.33 guntas in Sy.No.141 situated at Surapally Village, Bhongir Mandal, Nalgonda District and the first petitioner being the daughter of the said Bhojya, is entitled to succeed to the protected tenancy. The second petitioner is the son of the first petitioner. The said Bhojya died on 18.02.1976. The petitioners have made an application dated 24.04.2006 before the Joint Collector, Nalgonda District stating that the said land is in possession of the third party and they are entitled to protected tenancy certificate and also for restoration of possession. They have also made

representations before the Revenue Divisional Officer.

2. It is stated that on the application filed by the petitioners, the Mandal Revenue Officer, Bhongir, conducted an enquiry and sent a representation No.A/4881/05 dated 27.05.2006 to the Revenue Divisional Officer stating that on verification of the Protected Tenancy Register, the grand father of the second petitioner was found to be a protected tenant in respect of the land in an extent of Ac.12.33 guntas in Sy.No.141 and the original pattadar was Ranga Rao and Shamsheer Ali and simultaneously patta rights have been got by Cheryala Sheshaiah S/o. Bhadraiah. In the pahanies from 1961-62 till date the names of the protected tenants have not been entered in the occupant column, therefore, the second petitioner is not eligible for issuance of 38-E certificate as per Tenancy Act. It is further stated that the representation submitted to the Revenue Divisional Officer has not been considered and disposed of. The petitioners thereafter filed representation dated 28.05.2007 to consider their request for grant of 38-E certificate.

3. Having regard to the facts and circumstances and without expressing any opinion on the merits of the case, the Revenue Divisional Officer, Bhongir is directed to consider and dispose the issue pending before him with regard to the grant of protected tenancy certificate in favour of petitioners, after giving reasonable opportunity to all the concerned, in accordance with law without any undue delay.

The writ petition is accordingly disposed of. There shall be no order as

to costs.

_____
V. ESWARAIAH, J

October 8, 2007
DSK